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T H E
CRISIS
O F
PROPERTY:
A N
ARGUMENT
P R O V I N G

That the **ANNUITANTS** for ninety-nine Years, as such, are not in the Condition of other Subjects of *Great Britain*, but by Compact with the **LEGISLATURE** are exempt from any new Direction relating to the said *Estates*.

By Sir **RICHARD STEELE**, Knt. Member of Parliament, and **GOVERNOR** of the Royal Company of *Comedians*, &c.

----- *Aliena Negotia curat*
Excussus propriis ----- Hor.

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THE CRISIS OF PROPERTY: A DOCUMENT

It is the duty of every citizen to be informed of the state of his country, and of the rights and duties of his fellow-citizens. This is the first principle of a free government. It is the duty of every citizen to be informed of the state of his country, and of the rights and duties of his fellow-citizens. This is the first principle of a free government.

By SPENCER STEPHEN, M.P., Member of the House of Commons, and Secretary of the Royal Society of Arts.

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THE
CRISIS
OF
PROPERTY.

IN A V & N O advertised this
Work as soon as it was re-
solv'd upon, and that Reso-
lution being taken against
an Ooasion very near approaching, I
shall not, as I have seen People now and
then do, make Prefaces and lose Time,
because I am in haste, and have none
to spare.

Mr. HUTCHINSON, the most celebrated modern Writer, concerning the publick Funds, in his Remarks says thus :

‘ As to the 99 Years Annuities which
 ‘ were granted in and before 1694, if
 ‘ the Grantees and their Assigns were to
 ‘ account in Chancery, as for Mortgages
 ‘ redeemable on the Repayment of the
 ‘ principal Money, with the Interest of 6 l.
 ‘ *per Cent. per Annum*, they would be
 ‘ found at this time to be over-paid about
 ‘ 30 l. *per Cent.* and would have that Sum
 ‘ to repay, instead of receiving any thing :
 ‘ And therefore, if, besides this Advantage,
 ‘ they can now sell for 1900 l. or
 ‘ 2000 l. what originally cost them but
 ‘ 1100, 1150, or 1200 l. they have not
 ‘ made a disadvantageous Bargain, since
 ‘ they hereby gain above *Cent. per Cent.*
 ‘ But those surely, who manag’d thus for
 ‘ the Publick, were far from being good
 ‘ Stewards in this Particular. It was cer-
 ‘ tainly very ill judg’d to incumber the
 ‘ Nation with any Debt, that was not
 ‘ made redeemable by express Condition,
 ‘ and

and the longer the Retrieving this im-
 prudent Step is delay'd, it will be worse
 in all Probability for the Publick; for to
 the End of the Queen's Reign, the cur-
 rent Price of these Funds did not exceed
 155,964 l. the Money which was origi-
 nally advanc'd; and in February 1716-17,
 (the 99 Years Annuities being then 16
 Years Purchase) the current Price of
 these Funds, one with another, did not
 exceed 1,067,642 l. the Money origi-
 nally advanc'd; and in March following,
 when the Scheme for Redemption of the
 publick Funds was first open'd, the 99
 Years Annuities being at 17 Years Pur-
 chase, the Value of the said Funds was
 then 1,951,648 l. more than the Money
 originally advanc'd; but the Time be-
 ing then let slip for getting them sub-
 scrib'd, these Funds are become an In-
 cumbrance on the Nation of above two
 Millions more; and if an Act of Parlia-
 ment, which was attempted last Sessi-
 ons, be obtain'd for reducing the Na-
 tional Interest to 4 l. per Cent. per Annum,
 before the said Annuities are re-purchas'd
 by

& by the Publick, or an Agreement made
 & for the Re-purchase of the same, their
 & Value will be increased the further Sum
 & of 3,582,500 l. and then the same would
 & be worth 7,997,689 l. more than the
 & Money originally advanc'd, which
 & would swell the Value of these Funds to
 & the Sum of 20,557,558 l. But if the
 & Parliament shall not be of Opinion to
 & repurchase these Funds, then there will
 & be no need to make mention of them in
 & any future State of the publick Debts,
 & and the Nation is then to rest contented
 & with the Burden of those Duties which
 & are appropriated for raising the annual
 & Sum of 1,911,678 l. until the Expiration
 & of the long Term of Years for which
 & the same were granted.

If the Majority of that Honourable
 House, whereof the Author is a Mem-
 ber, were of this Opinion, and should act
 accordingly, farewell the Wealth and
 Honour of Great-Britain.

The

The general Notion of Mankind is, that the Borrower is a Servant to the Lender; but this Gentleman goes upon a Supposition, that the Borrower is the Master of the Lender; else would he not publish a Notion against common Faith and Justice, without being aware that he proposes, as he does in plain Terms, an Expedient of depriving the Friends of the Government, of the Property which they have purchas'd of the Legislature, and the Interest, which is due to them for their Money, which they have lent for its Support.

It is necessary, before we go any further, to consider a little the Nature of Power, as it is exerted, that is to say, ought to be exerted amongst Men, when we talk of a Capacity of doing what this Proposer intimates, for it would be far from lawful, to do every thing which there is no Law against doing. Altho' the last Decision of a Matter is made to rest upon one, or many appointed for that End; yet the Per-

son or Persons so appointed, are nevertheless bound to do only what is Honest, Just, and Reasonable. Thus Power, in the last
 11 Resort of it, is far from being Arbitrary Power, that is to say, Arbitrary with an Indifference to Good and Evil; but such Persons so appointed, are the more engag'd to walk by the Rules of Humanity, good Sense, and Justice, from the Consideration that their Judgment is to be decisive; it is therefore something rash to imagine that even a Legislature is to be justified in all it should do, were it to act against the known Sense of Mankind, and against the Nature of Things. Good and Evil are in themselves unchangeable, nor can Time, Place, Person, or any other Circumstance, alter the Nature of 'em; for tho' never so great a Crowd, never so solemn or awful an Assembly should pronounce a thing, in itself *Unrighteous*, to be just and equitable, it would still retain its natural Deformity, and be exactly what it was, before it receiv'd the vain Sanction of their Formalities.

The

The Author says, if the Grantees and their Assigns were to account in Chancery, as for Mortgages redeemable on the Repayment of principal Money, they would be found to be over-paid. This is a very unapt Similitude ! Relief in Chancery is always founded upon an Artifice, a Breach of Faith, an involuntary Act, Incapacity of Acting, or some Instance of Falshood, or Cruelty complain'd of by the Plaintiff against the Defendant ; but a Legislature cannot be suppos'd to be surpriz'd into what it does, by the Artifice, by the Power, or any other Superiority of its own Subjects to ensnare, or circumvent it ; it is therefore strange want of Reflection to suppose, or imagine, that Men, when they borrow, shall be credited like just Senators, and able Legislators ; but when they are to repay, are to be reliev'd like circumvented Bubbles, or foolish Children. The seeming popular and plausible Argument for supporting Men, who think no further than this is, that the Estates of these Creditors are now worth, and will

B

bring

bring more Money than they cost, and therefore the Possessors of them are to be consider'd, and treated like Usurers and Extortioners: Tho' this is fully answer'd already, in only saying, as we have just now, that this Bargain was made by a greater, wiser, and more powerful Party with an inferior, invited into the Contract by the said Party, and consequently, that there can be none of those Pretensions which intitle to an Equity of Redemption from the said Bargain: I say, tho' the very Mention of this Circumstance of the respective Persons engaged, is enough to destroy all Thoughts of a Repeal; yet we will have the Patience to proceed to further Arguments.

To make a Man come under the odious Imputations of Usury and Extortion, it is necessary to prove, that, without any Hazard to himself, he demanded from his Debtor more than the lawful Interest for his Money; but in this Case the Interest could not be unlawful, for the Bargain was made with Law-givers, his Money
could

could not be secure, for it was lent to the State itself in Danger of Ruin.

The Case was thus: The State of *England*, lately rescu'd from imminent Danger of falling under lawless and arbitrary Power, divided in itself by Factions at Home, and engaged in a War with a much more powerful Enemy, than itself would be, tho' united, abroad, in the utmost Distraction and Terror from the Opposition made by its own Subjects, to the necessary Means of Defence, and the increasing Hazards from the Preparations of its foreign Foes, enacts by its Legislature, that such, who will lend Money under these Disadvantages, shall have such and such Terms for the Loan of it.

These Lenders saw the Condition of the Borrowers, knew they had not Security, but from the Hopes that the Debtors Condition would grow better by their Money, and from the Zeal and Affection to such Borrowers, parted with their Fortunes.

Shall then these Men or their Assigns, the Members of that Parliament, or their Successors in this, have to do with one another upon any other Terms, than to ratify the Friendship between them, and for an Example to all succeeding Generations, secure the Right of the Benefactors, with all the Power, Interest, and Fortune, of those who receiv'd the Benefit?

It is a known Case, that in the Insurance of a Vessel from the common Hazards of the Sea, the Owners can pretend to no Remedy, against whatever they may have contracted to give above the common Interest of Money, upon the Return of the Ship into Port: It would in such a Case be frivolous and unjust to dispute the Payment, upon Account of fair Weather, failing before the Wind with a most prosperous Gale, and the Premises insured having met with no manner of Danger of Difficulty thro' the whole Voyage. For the Insurers would answer: Who could foresee this? Had you sunk, we must

must have lost our Money ; and because it has happen'd just as you gave Money to be sure it should happen, you have the Modesty to desire your Money again, because they, who were to bear all your Adversity, demand to have some Share in your Prosperity.

I defy any Man breathing to make the Case of those who purchased these Annuities less Meritorious than the Insurers of a Vessel going to Sea, who are to lose all, if the Ship is cast away, and receive but the Share which they agreed for, in case of a safe Return.

These Men are not Usurers, are not Extortioners, they are good Citizens, they are Patriots, they lent their Country Money, because they lov'd their Country ; they stept out of the Ranks as the *Forlorn Hope of Property*, in Defence of the Land of *England* and its Owners, which Owners had been safe and secure in their Possessions, whatever had befallen these generous Insurers, whose Fortunes fought for 'em. But it is urg'd,

urg'd, that in such a Year they were worth so much, in such a Year so much, and now worth more than they gave for 'em, tho' so many Years, in which they have enjoy'd 'em, are run out.

If this be a Plea against an absolute Bargain, let the Buildings all around us, erected upon late Wastes and Pastures, stand still. He who makes more of his Estate than the Person did who sold it him, shall account in Chancery for all above the legal Interest of the Purchase Money.

At the first Sight it appears, from the very Nature of Credit, that it is utterly destroy'd, when the Borrower pretends to intermeddle with what is lent, but by the Command or Application of the Lender; and if the Borrower pretends to make himself Judge of what is proper for the Lender to receive when he has enough, or in any degree *Modify, Manage, Abate* or *Alter the Terms* upon which he has it, he becomes Master, that is, Possessor and
Usurper

Usurper of such the Property of the Lender. This is certainly the Practice, the common Sense, the obvious Rule and Measure of Life wherever there is humane Nature; and Calculations, Remarks and Proposals of entire Discharges of National Debts and Incumbrances, against this plain Law of Reason, are only Chimeras, Crudities and Extravagancies.

Can a Man be supposed to have placed his Money safely, or to be ready to lend it to the Hands that publicly and shamelessly profess themselves not bound to their Articles, proposed, drawn, sign'd, and executed by themselves?

No! Reason and Justice are ever the same, and, in spite of Passions, Changes and Animosities, are fearless and impassive; and whoever does the Injury, it is still an Injury aggravated when it comes from them that should be Guardians against it.

But

But some will say, shall any part of the Subject of England be exempt and excluded from her Laws? shall any Estates, any manner of Tenure, cease to be under the Guidance of the Legislature? Yes, all that the Legislature has stipulated to be so. This is far from Disparagement done to that awful Power, it is Respect, it is Religion towards it; and, if I may compare that to what only it is below, I can say it, without Diminution to its Power, when I can say in the same Breath, that the Omnipotent can do no Evil.

An Argument of this kind, wherein the very Being, Honour and Safety of one's Country is concern'd, raises Indignation above what wou'd naturally arise from an unwary well meant Assertion; but the Circumstance of Place, as nearer or farther off the Center of Power, makes a Thing considerable or inconsiderable: Where a Man has a Right of being heard among Lawgivers, Experience shows, that

that such a Right, exerted with Spirit, tho' with less Force than this Gentleman can give it, has prevail'd to a fatal Degree in the greatest Concerns.

This Attempt of unsettling what has been made irrevocable and absolute, will appear to every Man's Observation, in the Colour it ought, from a late Circumstance, wherein the Sanction is as sacred and immutable, from the Right of the Thing, as if it had been done by the *British* Legislature: The thing, of which I wou'd remind my Reader in this Place, is the Loan given to the Emperor of Germany, under a great Distress of his Affairs, upon the Lands of *Silesia*.

Will any Man say, that when the Emperor had rescu'd himself from the Difficulties he was in, when he borrowed this Money, he was then at Liberty to lower the Advantages arising from their common Success, owing to the zealous and voluntary Hazard of the Lenders?

If it be true, that the Emperor was still as much obliged as before, tho' to whom he had no Relation, but as Lenders, how much more must a Government be tied down to a Bargain made with these, who have a Right to Protection in their Property, as well with that Regard as all other Considerations? If the Emperor is indispensibly obliged to protect and pay the Creditors, as much as if there was the Relation between 'em of Sovereign and Subject, and to pay *Englishmen*, as punctually as he ought to have *Silesians*, by the same force of Reason, a Nation that borrows of its own Subjects, as to the Circumstance of Debtor and Creditor, has thrown off the Sovereignty, and the Parliament of *England* has no other Power over these Annuitants, than if the Purchase had been made by the People of *Silesia*.

The Owners therefore of this Property, who step out of the Rank of common Subjects, with their Fortunes in their Hands,

Hands, and gave them to the Faith of the Legislature, are exempt from any Act of Legislature, by all the Rules of Honour, Justice, and Equity, but as they are our Friends and Allies. If Men say that all other Professions of Property in these Realms sigh under large and heavy Debts; the Answer is obvious, that their Creditors have, during a long and expensive War, been in a worse Condition to render such Proprietors safe, in whatever they have wherewith to pay 'em.

If I talk reasonably in this, the Proposal favour'd by some unskillful Patriots, amounts to this; that we are to save Money by the loss of the Nation; and this Attempt, were it to be brought into an Act, might with the same Justice affect any other of the Subjects of these Realms, nay a whole Nation, which not many Years ago united it self to us. Any thing given in equivalent to *Scotland*, for resigning its separate Constitution, may as well be stopt and deny'd to them, as

new Terms impos'd upon these Annuitants; but 'tis not to be doubted, but that the Legislature will be full as tender of Trespassing against the Right of these Annuitants, as they have been of Titles derivative only from the Royal Favour; since, with all other the most prevalent Reasons, they have also that which saved the *English* Grants, the Consideration of Families, who claim under them, to secure 'em from Revocation. Those Grantees had a Right founded on meer Grace and Favour, not always obtain'd by Merit or Service; the Annuitants have nothing but what they have purchased for valuable Considerations, and their Property lent with Hazard and Uncertainty.

Thus the Injustice of this Attempt appears from the Nature of Things, and I think it is easy to prove also the Folly of it. For, according to my Notion of Credit, whatever Power gives occasion of Distrust or Safety to the Creditor, must of Necessity become Bankrupt; and who

can

can raise a greater Cause of Suspicion, than they who assert, that the Right and Disposal of any part of what they have borrowed, is yet in themselves?

After this Declaration, who could be confident that their Money is as safe with such Dealers, as in their own Pockets? And when it is otherwise, there is an end of Credit.

That plain word Credit carries with it every thing that is valuable amongst Men; the Nations all around us have lost it, but let us open our Eyes, and extend a little our Faculties from the Prejudice, which particular Education and Circumstances of Life may have wrought up in us, and we shall find, that not only Ease, Conveniency, Safety; but Pomp, Glory and all the Distinctions of Life are wrapt up in it, and when this is lost, the Landed Man will be impoverished, and the Soldier disarm'd, as certainly as the Merchant is beggar'd.

But

But I shall trouble my Great, Learned and Powerful Adversaries on this Head no longer, but change their Opponent from a poor, cheap (but not mercenary) Scrib-
bler, to that of the most renowned of Au-
thors. It is in vain to oppose Authority
but with as great Authority; and I forget
all this is supported by a Novice in these
Things against a Writer that has long made
the Consideration of Credit his Business.
Let therefore the Success of this Dispute
concerning Credit turn upon the Personal
Characters of *Archibald Hutchinson* Esq;
Member for *Hasting*, and that of *Sir*
Richard Steele, Kt. Member for *Burrow-*
brig. But let the latter call to his Assistance
a more suitable Adversary, and lay it up-
on the Reputations of *Archibald Hutchinson*,
Member for *Hasting*, and *Marcus Tullius*
Cicero, Consul of *Rome*. The last nam'd
of these three great Men arguing, that no
Advantage imaginable can be an Equiva-
lent for Loss of Publick Credit, and, like
an able and true Statesman, above Shifts
and Managements, maintaining that no-
thing

thing which is dishonourable to a Commonwealth, can be gainful to it, mentions a stupid, and impudent Expedient for raising Money to the Publick, by breaking a Contract made by one of their Generals. The Passage is in the Third Book of his Offices, which, by the way, if I had never read, I had been at this Hour what they call a Plumb.

If, says he, Money is gotten without regard to the Means of doing it, the Publick will find themselves in the End no Gainers; for nothing can be Profit that's purchas'd with Infamy. What then shall we say of the Project of Lucius Philippus, who mov'd in the Senate, that those Cities, who had bought Roman Liberty from Sylla, should still be tributary without returning them their Money, with which they had purchas'd it? The Senate, to the Shame of all Government, consented to the Expedient, the natural Consequence of which was, that they lost their Credit, and the Faith of Pyrates was
from

from that Moment more to be depended upon,
than that of the Senate of Rome.

All this I argue against the Remarks of
my worthy Fellow-Labourer, Mr. Hut-
chinson, who aims at the same End by dif-
ferent means; and I cannot but declare at
the same time I believe that Gentleman
as disinterestedly zealous for the publick
Good, as any Man in England; and I
must own further, that I know he has of
his Side as eminent Men as any in this
Kingdom; and yet, after all, I must pre-
sume to say, with great Deference to him
and them, that in Cases of this sort, I ac-
knowledge no Authority but that of
Reason and Justice.

Reason and Justice, it will be answer'd,
will still be done to these Annuitants, be-
cause there is nothing expected from
them but what is voluntary; but when
a superior Power talks to an inferior, even
in the Stile of Invitation, it has the Air and
Effect,

Effect, in common Acceptation, of a Command; but the readiest way of coming at the true Nature of this Affair, is to read over the enacting Words, by which these Estates, for this Term, were vested in the Purchasers by Parliament. They import,
 “ That for the Consideration-Money
 “ (*which is the very Term used in this*
 “ *Law*) either Natives or Foreigners,
 “ may contribute and pay into the Exche-
 “ quer any Sum, or Sums of Money,
 “ for purchasing Annuities for ninety-
 “ nine Years, commencing from the 25th
 “ Day of March 1704, and that they
 “ shall be paid out of the Excise.”

This is as absolute a Purchase as can be made, and the Matter is involved for the common Security of Natives and Foreigners; for *quoad hoc*, Foreigners become Natives, and Natives Foreigners. And, if you offer to meddle with them, you will be ask'd by Natives, if we were to be affected in this Possession any way hereafter, but by your becoming Bankrupt;

D

Why,

Why, did you not tell us, when you took our Money, we lent it because we lov'd our Country, and were willing to hazard with you? Foreigners will answer, We were Strangers, and had no Ties of Friendship, but thought of honest Gain from honest Men.

I repeat it, that these Persons are Purchasers for a valuable Consideration, and that in the most absolute Terms imaginable ; for which Reason I have and do aver, that the Parliament has no further to do with them, than if the Purchasers were of another Nation. It is the Essence of a Contract, that the Contractors should keep the Agreement without Fraud or Force. And, in this Case, as in all others, the Borrower is a Dependant on the Lender, and not the Lender on the Borrower. Thus the greater Power that the one Party has in other Circumstances, the more is that Party obliged to keep the Obligation inviolable ; because the Weaker, who puts himself in the Power of the Stronger, has Justice more forcibly on

on his Side, from the Merit of that Confidence. In a Word, two Contractors always understand each other to be, and covenant to be, Equals, and never to use any Advantages for Evasion; and I appeal to all the World, whether they think these Annuitants would have purchas'd under a Reservation, that forty Years after, the Publick should have an Equity of Redemption; but the Purchasers should refuse what should then be call'd full Satisfaction, or keep their Estates in their own Hands. The mention of this at the time of making of this Sale would have broke the Bargain, and therefore it is not supportable by the Rules of Honesty to mention it now, and to subject their Fortunes to the same imaginary and changeable Condition, which Moneyers put upon the intrinsic Value of the Money lent on the rest of the publick Securities: For tho' the Annuitants may keep their Yearly Income, notwithstanding the Noise and Importunity about them, yet from this

Clamour, the Sale of an Annuity will be at an higher or lower Value, if the Circumstances of the Owner should require him to sell it.

I shall forbear many Assertions, which I hope to have Opportunity to speak to upon another Occasion, or in this Way again. But I fear a Fit of the Gout, caus'd by open Oppression, and rigid Justice from certain *Wanton, and Forgetful Men call'd Courtiers*, will disable me, if I do not discontinue my present Attention. If I can suffer with Resolution a little longer out of a sick Bed, I'll shew some half Politicians, that they know nothing of what they are doing; and tho', according to my Duty, and the Liturgy of the Church, I am bound to pray, to give them Understanding, I shall not neglect to use also all Humane means, to inform them, that the best Friends of the Government are not to be mark'd out for Punishment and Disgrace, or Ruin; because unexperienc'd Men
do

do not know how to support Power by humane and social Qualities, soft Steps, or skilful Insinuations, but by downright brutal Force and Violence. Whenever their Fortune shall be changed, I shall pity 'em, as well knowing, Disgrace is a hard Suffering even *with* Integrity. I shall continue in the mean time to endeavour to prevent their hurting their Master with other Innocent and Zealous Men who love him, who may not have the Moderation to distinguish and consider, that none are Acts of the King, but Acts of Favour. These slight Creatures, with their usual Insensibility, may call this Plain-dealing with them Folly and Extravagance, as indeed it would be, if I thought it would reform them; no, I mean only to explain, and admonish them. They are to me wicked Men, but that must not transport me, to say they are to the rest of the World, any other than only weak ones, so shall end this Argument, which I am ready to support, *Viva Voce*, against all Gain-sayers, that the Annuitants are no Objects of the Legislative

five Power of *Great Britain*, but for their Protection, in order to be well and faithfully paid the Income of the Money which *Great Britain* has receiv'd of them, and is a Rent-Charge on the Revenues of the Kingdom. They who think otherwise on this Subject, I shall have an Opportunity of proving, to think like Cashiers and Stockjobbers, and not like Wisemen and Politicians.

F I N I S.



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